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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,969	10/05/1999	JENNIE CHING	BC9-99-024	1335

23334 7590 10/10/2006

FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI
& BIANCO P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 111
BOCA RATON, FL 33487

EXAMINER

VU, NGOC K

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,969

Applicant(s)

CHING ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Reopen Prosecution

1. In view of the appeal brief filed on 12/02/2005, PROSECUTION IS HEREBY REOPENED. The Office Action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitations "each of the multimedia segments" recited in lines 9-10 appear to be defined in singular. However, it is unclear whether the terms "the multimedia segments" referred to "a set of multimedia segments" which previously defined in line 2 or referred to "one or more multimedia segments" which previously defined in lines 5-6. Similarly, it

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is unclear whether the terms "the multimedia segments" recited in lines 14-15, 20-21, and 24-25 referred to "a set of multimedia segments" which previously defined in line 2 or referred to "one or more multimedia segments" which previously defined in lines 5-6.

Regarding claim 1, it is unclear whether the limitation "the multimedia presentation" recited in line 24 referred to the terms "a multimedia presentation" which previously defined in lines 2-3 or the terms "a multimedia presentation" which previously defined in line 6.

Furthermore, it is unclear whether the limitations "a multimedia presentation" recited in lines 2-3 and 6 are the same.

Regarding claims 2-5 and 7-9, it is unclear whether the terms "the multimedia segments" referred to "a set of multimedia segments" which previously defined in line 2 or referred to "one or more multimedia segments" which previously defined in lines 5-6.

Regarding claim 11, it is unclear whether the limitations "a plurality of multimedia segments" recited in line 3 and 6 are the same. Similarly, it is unclear whether the limitations "a multimedia presentation" recited in lines 3-4 and line 9 are the same.

Regarding claim 11, the limitations "each of the multimedia segments" recited in lines 12-13 appear to be defined in singular. However, it is unclear whether the terms "the multimedia segments" referred to "a plurality of multimedia segments" which previously defined in lines 3 and 6 or referred to "one or more multimedia segments" which previously defined in lines 8-9. Similarly, it is unclear whether the terms "the multimedia segments" recited in lines 17, 21-22, and 26 referred to "a plurality of multimedia segments" which previously defined in lines 3 and 6 or referred to "one or more multimedia segments" which previously defined in lines 8-9.

Regarding claim 11, it is unclear whether the limitation "the multimedia presentation" recited in line 27 referred to the terms "a multimedia presentation" which previously defined in lines 3-4 or the terms "a multimedia presentation" which previously defined in line 9.

Regarding claims 12 and 13, it is unclear whether the limitation “the multimedia presentation” referred to the terms “a multimedia presentation” which previously defined in lines 3-4 or the terms “a multimedia presentation” which previously defined in line 9.

Regarding claims 14 and 16, it is unclear whether the terms “the multimedia segments” referred to “a plurality of multimedia segments” which previously defined in lines 3 and 6 or referred to “one or more multimedia segments” which previously defined in lines 8-9.

Regarding claim 18, the limitations “each of the multimedia segments” recited in lines 10-11 appear to be defined in singular. However, it is unclear whether the terms “the multimedia segments” referred to “a set of multimedia segments” which previously defined in line 3 or referred to “one or more multimedia segments” which previously defined in lines 6-7. Similarly, it is unclear whether the terms “the multimedia segments” recited in lines 14-15, 17, 21-22, and 27 referred to “a set of multimedia segments” which previously defined in line 3 or referred to “one or more multimedia segments” which previously defined in lines 6-7.

Regarding claim 18, it is unclear whether the limitations “a multimedia presentation” recited in line 3 and line 7 are the same. Furthermore, it is unclear whether the limitations “the multimedia presentation” recited in line 26 referred to the terms “a multimedia presentation” which previously defined in line 3 or the terms “a multimedia presentation” which previously defined line 7.

Regarding claim 19, it is unclear whether the limitations “the presentation” recited referred to the terms “a multimedia presentation” which previously defined in line 3 or the terms “a multimedia presentation” which previously defined line 7.

Regarding claims 20-22 and 24-26, it is unclear whether the terms “the multimedia segments” referred to “a set of multimedia segments” which previously defined in line 3 or referred to “one or more multimedia segments” which previously defined in lines 6-7.

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Regarding claim 28, it is unclear whether the limitations "a multimedia presentation" recited in line 2, line 6 and lines 25-26 are the same.

Regarding claim 28, the limitations "each of the multimedia segments" recited in lines 9-10 appear to be defined in singular. However, it is unclear whether the terms "the multimedia segments" referred to "a set of multimedia segments" which previously defined in line 2 or referred to "one or more multimedia segments" which previously defined in lines 5-6. Similarly, it is unclear whether the terms "the multimedia segments" recited in lines 14, 16, 20-21, and 25 referred to "a set of multimedia segments" which previously defined in line 2 or referred to "one or more multimedia segments" which previously defined in lines 5-6.

Allowable Subject Matter

4. Claims 1-33 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Swix et al. (US 6,718,551 B1) teaches a method and system for providing targeted advertisements. Brown et al. (US 6,026,368 A) teaches an on-line interactive system and method for providing content and advertising information to a targeted set of viewers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ngoc K. Vu
Primary Examiner
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September 25, 2006